

EXHIBIT D

Dalton, Amy

From: Cooper, Monte
Sent: Friday, August 19, 2011 10:46 AM
To: L. Timothy Fisher
Cc: Scott A. Bursor; Chatterjee, Neel; Sutton, Theresa A.; Dalton, Amy; Metanat, Morvarid
Subject: RE: Source Code Production

Thank you Tim. As you are no doubt aware, after I sent my email the Court issued its Order granting Facebook's motion to compel, and requiring us to meet and confer and then prepare a Stipulation describing our agreed procedure to comply with Section 8 of the Protective Order. I would like as part of that process to ensure that we know in advance precisely what software and databases will be made available to the experts, and under what conditions, so that we can apprise the Court of that fact in the Stipulation. As I mentioned in my email, we also intend to abide the conditions of Section 8, so it would help us to know if there are any particular problems you want to avoid, and how, when the experts view the code.

Monte

From: L. Timothy Fisher [mailto:ltfisher@bursor.com]
Sent: Friday, August 19, 2011 9:55 AM
To: Cooper, Monte
Cc: Scott A. Bursor; Chatterjee, Neel; Sutton, Theresa A.; Dalton, Amy; Metanat, Morvarid
Subject: Re: Source Code Production

Dear Monte:

We are working with our client to produce the source code and related documents as quickly as possible. I anticipate that the documents will be ready for review early next week if not on Monday. I hope to have specific information regarding when they will be available later today or over the weekend.

Tim

--

L. Timothy Fisher
Bursor & Fisher, P.A.
2121 North California Boulevard, Suite 1010
Walnut Creek, California 94596
Telephone: [\(925\) 482-1515](tel:(925)482-1515)
Facsimile: [\(925\) 407-2700](tel:(925)407-2700)
E-Mail: ltfisher@bursor.com

On Thu, Aug 18, 2011 at 11:47 AM, Cooper, Monte <mcooper@orrick.com> wrote:

Tim and Scott:

In light of Power's attached Response to Facebook's motion to compel production of source code, Facebook would like to immediately review the source code Power intends to produce. Pursuant to Section 8 of the attached Protective Order, our disclosed experts have requested that the source code review occur at your Walnut Creek offices. They would like the review to begin next week, and we ask that you confirm it will be made available then. For the record, we expect the source code to include all of the missing code referenced in Facebook's motion to compel, including the website html code, the code for PowerScript, PowerBrowser, and their related applications, as well as the associated MSSQL

database, that we referenced in our Motion. If it is not your intent to produce such code, please advise us immediately so that we may bring that fact to the Court's attention immediately.

Accordingly, please confirm that the Power source code referenced in Facebook's motion to compel will be made available for such inspection beginning Monday, August 22. As Facebook intends to follow the protocols set forth in Section 8 of Protective Order governing source code production, and as Facebook in accordance with Section 7.4 of the Protective Order on July 14 identified its consultants who it intends to use for the review, we do not believe there is any need for the additional "meet and confer" to discuss how Facebook intends to comply with Section 8 referenced in Power's Response. If Power believes there is some outstanding issue with how Section 8 applies to such review, please let us know.

Thank you,

Monte

=====

IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication, unless expressly stated otherwise, was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matter(s) addressed herein.

=====

NOTICE TO RECIPIENT: THIS E-MAIL IS MEANT FOR ONLY THE INTENDED RECIPIENT OF THE TRANSMISSION, AND MAY BE A COMMUNICATION PRIVILEGED BY LAW. IF YOU RECEIVED THIS E-MAIL IN ERROR, ANY REVIEW, USE, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS E-MAIL IS STRICTLY PROHIBITED. PLEASE NOTIFY US IMMEDIATELY OF THE ERROR BY RETURN E-MAIL AND PLEASE DELETE THIS MESSAGE FROM YOUR SYSTEM. THANK YOU IN ADVANCE FOR YOUR COOPERATION.

For more information about Orrick, please visit <http://www.orrick.com/>

=====